

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 100 OF 2007
IN
CRIMINAL REVISION APPLICATION NO. 152 OF 2007

Kails Bapurao Gadge. ... Applicant.

V/s.

State of Maharashtra & Anr. ... Respondents.

Ms.Namrata Waghole for the applicant.

K.V.Saste, APP for respondent No.1-State.

Dilip Bodake for respondent No.2.

CORAM: V.C.DAGA, J.

DATED: 31st July 2007.

P.C.:

. Heard learned counsel for the applicant and learned counsel for respondent No.2. Perused revision petition.

2. At this juncture it will not be out of place to mention that in several litigations arising out the very same cheques, which are involved herein, the applicant has already suffered a decree in the civil suit in the sum of Rs.2 lakh carrying interest @ 8% per annum. The decree has become final. Learned counsel for the applicant states that the applicant has deposited Rs.3,08,000/- towards satisfaction of the decree. This statement is not disputed by

Mr.Bodake, learned counsel for respondent No.2. He, however, submits that the amount deposited by the applicant will not wipe out the obligation to pay the amount of compensation awarded in the prosecution under section 138 of the Negotiable Instruments Act. The amount payable towards compensation is less than the amount rewarded towards decretal claim. The said issue can be gone into at the time of final hearing.

3. In the facts and circumstances of the case, I am inclined to grant bail in favour of the applicant. The applicant be released on bail on furnishing P.R. Bond of Rs.1,000/-.

JUDGE